



Texas's New Open Carry Laws Could Allow Employees to Have Visible Guns at Work

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Dianna Bowen was quoted in *Bloomberg BNA* on June 15, 2015. The article "Texas's New Open Carry Laws Could Allow Employees to Have Visible Guns at Work" discussed how employees now have the option to leave their guns in open view in locked vehicles in the parking lot, due to the signing of a pair of bills that allow Texans to carry handguns openly and on college campuses.

Dianna was quoted on her opinion of giving employees the option to leave their guns visible and the vagueness of the employee campus carry policy.

Dianna said H. B. 910—set to take effect Jan. 1, 2016—amounts to an expansion of a law passed in 2011 allowing most employees, excluding individuals working at places such as school districts and chemical manufacturing plants, who have a Concealed Handgun License (CHL) or otherwise lawfully possesses a firearm to store their concealed guns in privately owned locked cars in the company parking lot.

"The new bill amends the law to allow employees to choose whether or not to conceal their firearms, meaning that employees will have the option to leave their guns in view of passersby," Dianna said in a June 12 e-mail.

"Most employers may not prohibit guns in the parking lot, but they do have the right to ban guns in all other areas of the workplace," Dianna said.

Open carry laws pertaining to the workplace vary by state, said Bowen, who noted that employers in Texas may not prohibit weapons from being stored in the privately owned vehicles of employees.

"The new open carry legislation applies to handguns specifically," said Dianna. "However, Texas law does allow for employees to store rifles and shotguns in their vehicles."

The law would not allow for an open carry of weapons in the workplace, Dianna said.

"Employers may ban guns in all areas of the workplace, excluding the parking lot," she said, adding that the prohibition also extends to desk drawers.

"If an employer has a gun-free workplace policy, employees can be charged with criminal trespass

if their weapon leaves the vehicle,” she said.

Employers do, however, have the option to allow guns, said Dianna. “Though it is not advised, they may institute a policy allowing for concealed or open carry,” she said.

Ambiguities surrounding college staff and whether they are allowed to carry remain, Dianna said.

“The laws are unclear as to whether public colleges may prohibit employees from carrying on campus,” said Dianna, who noted that the Government Code—Section 411.203—a section allowing public and private employers to prohibit employees from carrying a concealed handgun on the premises, still applies.

“If the school does choose to allow employees to carry, or if it is later determined that the campus carry law trumps Government Code Section 411.203, some basic limitations should be set,” she said.

“This may include schools requiring employees to notify the human resource department or another designated department of their intent to carry and provide a copy of their Concealed Handgun License,” Dianna said.

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